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Patent  
323.09-US1

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE  
WASHINGTON, D.C. 20231**

Inventor: **Robert D. Fish**

Serial No: **US national phase of  
PCT/US00/35133**

Filed: **22 December 2000**

For: **Matter Management  
Computer Software**

Examiner: **Not yet determined**

Art Unit: **Not yet determined**

**PRELIMINARY AMENDMENT**

The Honorable Commissioner  
of Patents and Trademarks  
Washington, D.C. 20231

Dear Sir:

Please enter the following as a preliminary amendment. The application is amended herein to the following:

**IN THE CLAIMS**

21. A matter management system having a routine that calendars a future task based on a date rule and a count-down timer that is preset by a user or by default.

**REMARKS****Tran (US Patent 5,991,742)**

The Office considered Claim 21 to be anticipated by Tran. The applicant disagrees, especially in view of the amendments made herein. Amended claim 21 requires "...a count-down timer that is preset by a user or by default..."

Tran fails to teach a **count-down timer**, let alone a count-down timer that is **preset by a user or by default**. Thus, amended claim 21 is not anticipated by Tran.

Amended claim 21 is also not obvious over Tran, because there is no suggestion or motivation in the Tran reference to modify the timer taught by Tran such as to arrive at the timer as claimed by the applicant. On the contrary, Tran employs his timer "...to capture billing time...". Necessarily, such a timer cannot be a count-down timer. Even if Tran's timer were a count-down timer (which it is not), there is no teaching, suggestion or motivation that such a timer would be preset by a user or by default. Again, Tran's timer counts time elapsed between two trigger events (e.g., start and end of a telephone call), which is inconsistent with counting-down a time preset by a user or default. Therefore, Tran's timer teaches against the subject matter as presently claimed. Consequently, amended claim 21 is also not obvious over Tran.

**Nagy (US Patent 3,766,728)**

The Office considered Claim 21 to be anticipated by Nagy. The applicant disagrees, especially in view of the amendments made herein. Amended claim 21 requires "...a routine that calendars a future task based on a date rule ..."


Nagy fails to teach a **routine that calendars a future task** based on a **date rule**. Thus, amended claim 21 is not anticipated by Nagy.

Amended claim 21 is also not obvious over Nagy, because there is no suggestion or motivation in the Nagy reference to modify the apparatus taught by Nagy such as to arrive at the routine as claimed by the applicant. First, Nagy's apparatus is mechanically operated. Thus, there cannot be a calendaring routine (routine: Sequence of computer instructions for performing a

particular task; see *e.g.*, Merriam-Webster's Collegiate Dictionary – Online Edition). Second, since a user determines in Nagy's apparatus a future event, there is also no date rule as specifically required in amended claim 21. For these and other reasons, Nagy's teachings are inconsistent with the subject matter as claimed in amended claim 21. Consequently, amended claim 21 is also not obvious over Nagy.

Respectfully submitted,  
Fish & Associates, LLP

Dated: 30 Nov 2001

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**VERSIONS WITH MARKING TO SHOW CHANGES MADE****In the Claims**

21. (Amended) A mater management system having [both an auto-calendaring function] a routine that calendars a future task based on a date rule and a [mater timer] count-down timer that is prest by a user or by default.